



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

MEMORANDUM

TO: The Board of Environmental Protection  
FROM: Mark Stebbins, Bureau of Land & Water Quality  
RE: Administrative Consent Agreement with J.R. Hill & Sons, Inc.  
DATE: August 20, 2009

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**Statute and Rule Reference:** The Performance Standards for Excavations, 38 M.R.S.A §490-C, state, in pertinent part, that a "Notice of Intent to Comply" must first be submitted to the Department of Environmental Protection prior to expanding a gravel pit by more than 5 acres.

**Location:** Sabattus, Maine

**Description:** On September 9, 2008, Department staff determined through the use of aerial photographs and ground survey equipment that the gravel pit owned and operated by J.R. Hill & Sons, Inc. has been expanded by approximately 9.0 acres since 1970. J.R. Hill & Sons, Inc. did not first submit a Notice of Intent to Comply with the Performance Standards for Excavations before expanding the pit.

**Environmental Issues:** Gravel pits have the potential to create erosion and sedimentation problems from uncontrolled runoff, groundwater pollution from fuel spills and equipment leaks, air pollution from uncontrolled dust sources, noise pollution, and safety concerns from steep unstable slopes. These concerns are addressed by operating a pit in compliance with the Department's Performance Standards for Excavations.

On October 21, 2008, J.R. Hill & Sons, Inc. submitted a Notice of Intent to Comply with the Performance Standards which was approved by the Department on October 22, 2008.

**Department Recommendation:** The Department recommends acceptance of this Agreement, which stipulates that J.R. Hill & Sons, Inc. pay a monetary penalty of \$2,500.00, and pay past due annual fees totaling \$800.00, both of which have been paid.

The pit is currently in compliance with the Performance Standards for Excavations.

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PORTLAND  
312 CANCO ROAD  
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PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF

JOHN ELIAS BALDACCI

DAVID P. LITTELL

GOVERNOR

COMMISSIONER

**J.R. HILL & SONS, INC.** ) **ADMINISTRATIVE CONSENT**  
**SABATTUS, ANDROSCOGGIN COUNTY, ME)** **AGREEMENT**  
**MINING** ) **(38 M.R.S.A. §347-A)**  
**EIS #2008-179-L** )

This Agreement by and among J.R. Hill & Sons, Inc., the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General, is entered into pursuant to the laws concerning the Department's *Organization and Powers*, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

1. J.R. Hill & Sons, Inc. owns a parcel of land located adjacent to West Road in Sabattus, Maine as described and recorded in Book 6418 on Page 249 of the Androscoggin County Registry of Deeds.
2. J.R. Hill & Sons, Inc., P. O. Box 382, Bath, Maine, 04530, is a Maine corporation in good standing to conduct business in Maine and which operates a gravel pit on the property described in Paragraph 1 of this Agreement. James R. Hill is the President of J.R. Hill & Sons, Inc.
3. On September 9, 2008, Department staff determined through the use of aerial photographs and a field investigation that the gravel pit located on the property described in Paragraph 1 of this Agreement had been expanded by approximately 9.0 acres since 1970. A review of Department records revealed that a "Notice of Intent to Comply" had not been obtained for this activity as required by Maine's *Performance Standards for Excavations*, 38 M.R.S.A. § 490-C.
4. By expanding a gravel pit by more than five acres since 1970 without first filing a "Notice of Intent to Comply" pursuant to the Department's program of *Performance Standards for Excavations*, J.R. Hill & Sons, Inc. violated the *Performance Standards for Excavations*, 38 M.R.S.A. § 490-C.
5. On September 26, 2008, the Department issued a Notice of Violation to J.R. Hill & Sons, Inc. for the violations described in Paragraphs 3 and 4 of this Agreement in accordance with 38 M.R.S.A. § 347-A(1)(B).
6. On October 21, 2008, J.R. Hill & Sons, Inc. filed a "Notice of Intent to Comply" pursuant to the *Performance Standards for Excavations*, 38 M.R.S.A. §490-C, to mine the property referred to in Paragraph 1 of the Agreement.

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J.R. HILL & SONS, INC.  
SABATTUS, ANDROSCOGGIN COUNTY, MAINE )  
MINING )  
EIS #2008-179-L

2  
) ADMINISTRATIVE CONSENT  
AGREEMENT  
) (38 M.R.S.A. §347-A)

7. This Agreement shall become effective only if approved by the Board and the Office of the Attorney General.
8. To resolve the violations referred to in Paragraphs 3 and 4 of this Agreement, J.R. Hill and Sons, Inc. agrees to:
  - A. Pay the Treasurer, State of Maine, upon signing this Agreement, the sum of two thousand five hundred dollars (\$2,500.00) as a civil monetary penalty.
  - B. Pay the Maine Borrow Pit Fund, upon signing this Agreement, the sum of eight hundred dollars (\$800.00) for past due annual fees. The check must be made payable to the Treasurer, State of Maine.
9. The Department and the Maine Office of the Attorney General grant a release of their causes of action against J.R. Hill & Sons, Inc. for the specific violations listed in Paragraphs 3 and 4 of this Agreement on the express condition that all actions listed in Paragraph 8 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied.

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of two (2) pages.

J.R. HILL AND SONS, INC.

BY:   
JAMES R. HILL, PRESIDENT

DATE: 7/24/09

BOARD OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
SUSAN M. LESSARD, CHAIR

DATE:

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: \_\_\_\_\_  
MARGARET A. BENSINGER, ASSISTANT ATTORNEY GENERAL

DATE: